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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALEXANDER A. LUGO,
Plaintiff,

v.

CARLOS DEANGELO, *et al.*,
Defendants.

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CIVIL ACTION NO. 19-CV-1442

ORDER

AND NOW, this 16th day of May, 2019, upon consideration of Plaintiff Alexander A.

Lugo's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2-2), which raises claims under 42 U.S.C. § 1983, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Alexander A. Lugo, #NJ8163, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of SCI Huntingdon or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Lugo's inmate account; or (b) the average monthly balance in Lugo's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Lugo's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to

FILED
MAY 16 2019
By KATE BARKMAN, Clerk
Dep. Clerk

Lugo's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send copy of this Order to the Warden of SCI Huntingdon.

4. The Complaint is **DEEMED** filed.

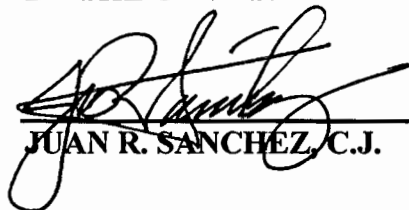
5. Lugo's malicious prosecution claim is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.

6. Lugo's false arrest claim is **DISMISSED without prejudice** pursuant to Rule 8 for the reasons stated in the Court's Memorandum.

7. Lugo is **GRANTED** leave to file an amended complaint within thirty (30) days. If Lugo fails to file an amended complaint, his case will proceed only on his excessive force claim.

8. The Clerk of Court is **DIRECTED** not to serve the Complaint pending further order of the Court.

BY THE COURT:



JUAN R. SANCHEZ, C.J.